



# California Regulatory Notice Register

REGISTER 2006, NO. 40-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

OCTOBER 6, 2006

## PROPOSED ACTION ON REGULATIONS

### TITLE 1. OFFICE OF ADMINISTRATIVE LAW

*Underground Regulations — Summary Disposition — Notice File No. Z06-0926-02* ..... 1487

### TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

*Contributions and Expenditures Collected by Contract Vendors or Collecting Agents — Notice File No. Z06-0922-01* ..... 1489

### TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

*Diaprepes Root Weevil Interior Quarantine — Notice File No. Z06-0926-08* ..... 1490

### TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

*Diaprepes Root Weevil Interior Quarantine — Notice File No. Z06-0926-09* ..... 1491

### TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

*Gypsy Moth Eradication Area — Notice File No. Z06-0926-07* ..... 1493

### TITLE 10. DEPARTMENT OF INSURANCE

*Workers' Compensation Deductibles and Loss Reserves — Notice File No. Z06-0926-06* ..... 1495

### TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

*Certificates — Professional and Course Completion — Notice File No. Z06-0926-10* ..... 1498

## GENERAL PUBLIC INTEREST

### CALIFORNIA GAMBLING CONTROL COMMISSION

*Extension of Public Comment Period Regarding Initial Fees for State Gambling Licenses, published on September 15, 2006, Notice File No. Z06-0905-06* ..... 1500

### DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

*List of Prospective Contractors Ineligible to Enter into State Contracts* ..... 1500

### DEPARTMENT OF FISH AND GAME

*CESA Consistency Determination for Cohasset Road Widening Project, Butte County* ..... 1501

(Continued on next page)

*Time-  
Dated  
Material*

DEPARTMENT OF FISH AND GAME  
CESA Consistency Determination for State Route 99/Sheldon Road Interchange Project,  
Sacramento County ..... 1501

**ACCEPTANCE OF PETITION TO REVIEW ALLEGED UNDERGROUND  
REGULATIONS**

DEPARTMENT OF CORRECTIONS AND REHABILITATION  
Double Cell Housing Policy — CTU Nos. 06–0829–01 and 06–0831–01 ..... 1502

DIVISION OF STATE ARCHITECT  
Retention of Original Documents — CTU No. 06–0906–02 ..... 1504

**SUMMARY OF REGULATORY ACTIONS**

Regulations filed with the Secretary of State ..... 1506  
Sections Filed, April 26, 2006 to September 27, 2006 ..... 1508

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

CALIFORNIA REGULATORY NOTICE REGISTER (USPS 002–931), (ISSN 1041-2654) is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by Thomson West and is offered by subscription for \$202.00 (annual price). To order or make changes to current subscriptions, please call (800) 888-3600. “Periodicals Postage Paid in Saint Paul, MN.” **POSTMASTER:** Send address changes to the: CALIFORNIA REGULATORY NOTICE REGISTER, Thomson–West/Barclays, P.O. Box 2006, San Francisco, CA 94126. The Register can also be accessed at <http://www.oal.ca.gov>.

## PROPOSED ACTION ON REGULATIONS

*Information contained in this document is published as received from agencies and is not edited by Thomson West.*

### TITLE 1. OFFICE OF ADMINISTRATIVE LAW

#### NOTICE OF PROPOSED RULEMAKING AMENDMENT TO TITLE 1, CA CODE OF REGULATIONS REGARDING ENFORCEMENT OF SECTION 11340.5 OF THE GOVERNMENT CODE

#### NATURE OF PROCEEDING

NOTICE IS HEREBY GIVEN that the Office of Administrative Law (OAL) is proposing to take the action described in the Informative Digest.

A public hearing regarding this proposal is not currently scheduled. However, any interested person or duly authorized representative may request, no later than 15 days prior to the close of the written comment period that a public hearing be scheduled.

Following the public hearing, if one is requested, or following the written comment period, if no public hearing is requested, the Office of Administrative Law may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written comments related to this proposal, or who provide oral testimony if a public hearing is held, or who have requested notification of any changes to the proposal.

Notice is also given that any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the

Office of Administrative Law  
300 Capitol Mall, Suite 1250  
Sacramento CA, 95814.

Comments may also be submitted by facsimile (FAX) at (916) 323-6826 or by e-mail to

[staff@oal.ca.gov](mailto:staff@oal.ca.gov). Comments must be submitted prior to 5:00 p.m. on November 22, 2006.

#### AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 11342.4 of the Government Code, and to implement, interpret or make specific section 11340.5 of the Government Code, the Office of Administrative Law is considering changes to Division 1 of Title 1 of the California Code of Regulations as follows: Amendment of Chapter 2, to modify procedures by which OAL evaluates and responds to petitions alleging the use of underground regulations by state agencies.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Government Code 11340.5 permits OAL to evaluate whether a state agency is employing an underground regulation. Regulations adopted by OAL to implement, interpret, and make specific this section provide that OAL shall make this evaluation pursuant to petitions submitted by interested persons. OAL has only two options to dispose of a petition; it may decline the petition and advise the petitioner that the declination in no way reflects upon the substance of the petition, or it may accept the petition and issue a formal determination.

The broad objective of this proposal is to allow OAL, in reviewing petitions alleging the use of underground regulations, to issue summary disposition letters explaining why a challenged rule is not an underground regulation without requiring a full review and issuance of a formal determination. Summary disposition letters may be issued only if the facts make it clear that the challenged rule is not an underground regulation. Summary disposition letters would not be permitted in order to determine that a challenged rule is an underground regulation.

The proposal would also modify the time limits for evaluating petitions alleging the use of underground regulations. The current regulations allow 30 days for OAL to evaluate a petition before deciding whether to accept it or decline it. The current regulations require issuance of a determination not more than 150 days following publication of an accepted petition. The proposal would allow 60 days instead of 30 for OAL to decide whether to accept or decline a petition. It would reduce the time for issuing a determination from 150 days to 120 days. The effect of this change is to allow more time for OAL to evaluate petitions prior to deciding whether or not to accept them. Because the proposal also reduces the amount of time available to OAL following acceptance of a petition, total time from receipt of a petition to issuance of a determination is not changed.

Finally, the proposal would amend current regulations to provide that public comments received regarding a petition that has been accepted for issuance of a formal determination may be disregarded if they are not received within 45 days of the publication of the petition in the California Regulatory Notice Register. This provision defines the time period during which the public may submit comments as a matter of right (within 45 days) but it does not prohibit OAL, at its discretion, from considering comments received after the 45 day deadline.

There are no comparable provisions of federal law related to this proposal.

#### LOCAL MANDATE

This proposal does not impose a mandate on local agencies or school districts.

#### FISCAL IMPACT ESTIMATES

This proposal does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. This proposal does not impose other nondiscretionary cost or savings on local agencies. This proposal does not result in any cost or savings in federal funding to the state.

#### COSTS OR SAVINGS TO STATE AGENCIES

No additional costs or savings to state agencies are anticipated.

#### BUSINESS IMPACT/SMALL BUSINESSES

The OAL has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposal does not affect small businesses as defined by section 11342.610. The determination that the proposal would not affect small business is based upon the fact that the proposal does nothing except modify the manner in which OAL responds to petitions alleging the use of underground regulations. Provisions of current regulations relating to petitioners are not significantly changed.

#### ASSESSMENT REGARDING EFFECT ON JOBS/BUSINESSES

The OAL has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

#### COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

The OAL is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### EFFECT ON HOUSING COSTS

None

#### ALTERNATIVES

The OAL must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the agency's attention, would be more effective in carrying out the purpose for which the adoption of this regulation is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action.

#### CONTACT PERSONS

Inquiries concerning the proposed adoption of this regulation and written comments may be directed to:

Bill Gausewitz  
Office of Administrative Law  
300 Capitol Mall, Suite 1250  
Sacramento, CA 95814  
(916) 323-6221

or

Melvin Fong  
Office of Administrative Law  
300 Capitol Mall, Suite 1250  
Sacramento, CA 95814  
(916) 323-8915

#### INITIAL STATEMENT OF REASONS AND INFORMATION

The OAL has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

## TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Office of Administrative Law at 300 Capitol Mall, Suite 1250, Sacramento, CA 95814. These documents may also be viewed and downloaded from the OAL website at [www.oal.ca.gov](http://www.oal.ca.gov).

## AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named above.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named above.

## WEBSITE ACCESS

Materials regarding this proposal can be found at [www.oal.ca.gov](http://www.oal.ca.gov).

## TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, under the authority vested in it by section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Fair Political Practices Commission will consider the proposed regulations at a public hearing on or after November 14, 2006 at 9:45 a.m. Written comments must be received at the Commission offices no later than 5:00 p.m. on November 10, 2006.

## BACKGROUND/OVERVIEW

Adopt 2 Cal. Code Regs. section 18421.3: The proposed regulation 18421.3 under Political Reform Act (Government Code sections 81000–91014) that clarifies the reporting of contributions collected through vendors.

The proposed regulation will clarify (based on the Commission's prior advice) that candidates and committees may contract with a vendor to establish one or more accounts to collect contributions. The regulation will also specify when these contributions are deemed

received by the candidate or committee and how the contributions are to be reported.

## REGULATORY ACTION

The Commission will consider adopting 2 Cal. Code Regs. section 18421.3 to clarify that a candidate or committee may contract with a vendor or collecting agent to establish one or more accounts to collect contributions prior to transferring the funds to a campaign bank account. The contributions are deemed to be received by the candidate or committee upon receipt by the vendor pursuant to rules set forth in 2. Cal. Code Regs. section 18421.1 and the funds must be transferred into the candidate's or committee's campaign bank account "promptly" as defined in Government Code section 84306.

The proposed regulatory language will also state that: (1) the entire amount authorized by the contributor is the amount of the contribution; and (2) any amounts deducted or charged by the vendor or collecting agent are deemed to be expenditures from the campaign bank account at the time the fees are deducted or charged. In addition, the proposed language will specify that nothing in the regulation should be construed to require the establishment of a bank account unless otherwise required by other provisions of this title.

The Commission may adopt the language noticed in these proposed regulations, or it may choose new language to implement its decisions concerning the issues identified above or related issues.

## FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. These regulations will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. These regulations will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. These regulations will have no fiscal impact on the federal funding of any state program or entity.

## AUTHORITY

Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

## REFERENCE

The purpose of these regulations is to implement, interpret and make specific Government Code section 84211, 84306 and 85201.



**CONTACT**

Any inquiries should be made to Emelyn Rodriguez, Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at [www.fppc.ca.gov](http://www.fppc.ca.gov).

**ADDITIONAL COMMENTS**

After the hearing, the Commission may adopt or repeal the proposed regulations if they remain substantially the same as described or as in the text originally made available to the public. The Commission may make changes to the proposed regulations before their adoption or repeal.

**TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE**

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended Section 3433, subsection (b) of the regulations in Title 3 of the California Code of Regulations pertaining to Diaprepes Root Weevil Interior Quarantine as an emergency action that was effective on August 16, 2006. The Department proposes to continue the regulation as amended and to complete the adoption process by submission of a Certificate of Compliance no later than December 22, 2006.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

Notice is also given that any person interested may present statements or arguments in writing relevant to the actions proposed to the agency officer named below on or before November 20, 2006.

Following the public hearing and the written comment period, the Department of Food and Agriculture may certify that there was compliance with provisions of Section 11346.1 of the Government Code within 120 days of the emergency regulation.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Existing law obligates the Department of Food and Agriculture to protect the agricultural industry of California and prevent the spread of injurious pests (Food and Agricultural Code Sections 401 and 403). Existing law provides the Secretary may establish, maintain, and enforce quarantine regulations, as he deems necessary, to circumscribe and exterminate or prevent the spread of pests (Food and Agricultural Code, Sections 5301, 5302 and 5322).

This amendment of Section 3433 added approximately one square mile to the existing approximately four square miles surrounding the La Jolla area of San Diego County, as an additional area under quarantine, for a total of approximately five square miles. The effect of the amendment is to provide authority for the State to regulate movement of the articles and commodities covered that may move life stages of the Diaprepes root weevil from, into, and within that area under quarantine to prevent artificial spread of the weevil to noninfested areas to protect California's agricultural industry. There is no existing, comparable federal regulation or statute.

**COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS**

The Department of Food and Agriculture has determined that Section 3433 does not impose a mandate on local agencies or school districts, except that an agricultural commissioner of a county under quarantine has a duty to enforce Section 3433. No reimbursement is required for Section 3433 under Section 17561 of the Government Code because the Agricultural Commissioner of San Diego County requested the change in the regulation.

The Department also has determined that the amended regulation will involve no additional costs or savings to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State.

**EFFECT ON HOUSING COSTS**

The Department has made an initial determination that the proposed action will not affect housing costs.

**EFFECT ON BUSINESSES**

The Department has made an initial determination that the proposed action will not have a significant,

statewide adverse economic impact directly affecting some California businesses, including the ability of California businesses to compete with businesses in other states.

#### COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The cost impact of the amended regulation on a representative private person or business is not expected to be significantly adverse. The Department does not know of additional costs a representative person or business would incur in reasonable compliance with the proposed action.

#### ASSESSMENT

The Department has made an assessment that the proposed amendment to the regulation would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

#### ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### AUTHORITY

The Department proposes to amend Section 3433 pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the Food and Agricultural Code.

#### REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5301, 5302 and 5322 of the Food and Agricultural Code.

#### EFFECT ON SMALL BUSINESS

The amendment of this regulation may affect small businesses.

#### CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed action, location of the rulemaking file, request for a public hearing, and final statement of reasons may be directed is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: [sbrown@cdfa.ca.gov](mailto:sbrown@cdfa.ca.gov). In his absence, you may contact Liz Johnson at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

#### INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website ([www.cdfa.ca.gov/cdfa/pendingregs](http://www.cdfa.ca.gov/cdfa/pendingregs)).

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulation in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulation amended by the Department differs from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of amendment. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

### TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended Section 3433, subsection (b) of the regulations in Title 3 of the California Code of Regulations pertaining to Diaprepes Root Weevil Interior Quarantine as an emergency action that was effective on August 16, 2006. The Department proposes to continue the regulation as amended and to complete the adoption process by submission of a Certificate of Compliance no later than December 14, 2006.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

Notice is also given that any person interested may present statements or arguments in writing relevant to the actions proposed to the agency officer named below on or before November 20, 2006.

Following the public hearing and the written comment period, the Department of Food and Agriculture may certify that there was compliance with provisions of Section 11346.1 of the Government Code within 120 days of the emergency regulation.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law obligates the Department of Food and Agriculture to protect the agricultural industry of California and prevent the spread of injurious pests (Food and Agricultural Code Sections 401 and 403). Existing law provides the Secretary may establish, maintain, and enforce quarantine regulations, as he deems necessary, to circumscribe and exterminate or prevent the spread of pests (Food and Agricultural Code, Sections 5301, 5302 and 5322).

The amendment of Section 3433 established an area of approximately three square miles surrounding the Carmel Valley area of San Diego County as an additional area under quarantine against the pest *Diaprepes abbreviatus*, Diaprepes root weevil. The effect of the amendment is to provide authority for the State to regulate movement of the articles and commodities covered that may move life stages of the Diaprepes root weevil from, into, and within that area under quarantine to prevent artificial spread of the weevil to noninfested areas to protect California's agricultural industry. There is no existing, comparable federal regulation or statute.

#### COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Section 3433 does not impose a mandate on local agencies or school districts, except that an agricultural commissioner of a county under quarantine has a duty to enforce Section 3433. No reimbursement is re-

quired for Section 3433 under Section 17561 of the Government Code because the Agricultural Commissioner of San Diego County requested the change in the regulation.

The Department also has determined that the amended regulation will involve no additional costs or savings to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State.

#### EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will not affect housing costs.

#### EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting some California businesses, including the ability of California businesses to compete with businesses in other states.

#### COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The cost impact of the amended regulation on a representative private person or business is not expected to be significantly adverse. The Department does not know of additional costs a representative person or business would incur in reasonable compliance with the proposed action.

#### ASSESSMENT

The Department has made an assessment that the proposed amendment to the regulation would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

#### ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less



burdensome to affected private persons than the proposed action.

#### AUTHORITY

The Department proposes to amend Section 3433 pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the Food and Agricultural Code.

#### REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5301, 5302 and 5322 of the Food and Agricultural Code.

#### EFFECT ON SMALL BUSINESS

The amendment of this regulation may affect small businesses.

#### CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed action, location of the rulemaking file, request for a public hearing, and final statement of reasons may be directed is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: [sbrown@cdfa.ca.gov](mailto:sbrown@cdfa.ca.gov). In his absence, you may contact Liz Johnson at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

#### INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website ([www.cdfa.ca.gov/cdfa/pendingregs](http://www.cdfa.ca.gov/cdfa/pendingregs)).

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulation in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final

statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations amended by the Department differs from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of amendment. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

### TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended Section 3591.6, subsection (a), of the regulations in Title 3 of the California Code of Regulations pertaining to Gypsy Moth Eradication Area as an emergency action that was effective on August 10, 2006. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than December 8, 2006.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before November 20, 2006.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this state and determine the probability of its spread, and the feasibility of its control or eradication ((Food and Agricultural Code Section 5321).

Existing law also provides that the Secretary may establish, maintain, and enforce quarantine, eradication, and other such regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (Food and Agricultural Code, Sections 401, 403, 407 and 5322). Existing law also provides that eradication regulations may proclaim any portion of the State as an eradication area and set forth

the boundaries, the pest, its hosts, and the methods to be used to eradicate said pest (Food and Agricultural Code Section 5761).

Section 3591.6, subsection (a), was amended and established Orange and Santa Barbara counties as eradication areas for gypsy moth, *Lymantria dispar*. The effect of this action was to establish authority for the State to conduct eradication activities in Orange and Santa Barbara counties against this pest. There is no existing, comparable federal regulation or statute.

#### COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Section 3591.6 does not impose a mandate on local agencies or school districts and no reimbursement is required for Section 3591.6 under Section 17561 of the Government Code. The Department also has determined that no savings or increased costs to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State will result from the proposed action.

#### EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed actions will not affect housing costs.

#### EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed actions will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

#### COST IMPACT ON AFFECTED PRIVATE PERSON OR BUSINESSES

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### ASSESSMENT

The Department has made an assessment that the proposed adoption and amendment to the regulations would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

#### ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the actions are proposed or would be as effective and less burdensome to affected private persons than the proposed actions.

#### AUTHORITY

The Department proposes to amend Section 3591.6, subsection (a), pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code.

#### REFERENCE

The Department proposes to amend Section 3591.6, subsection (a), to implement, interpret and make specific Sections 407, 5322, 5761, 5762 and 5763 of the Food and Agricultural Code.

#### EFFECT ON SMALL BUSINESS

The proposed amendment of this regulation may affect small businesses.

#### CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed to is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Liz Johnson at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

INTERNET ACCESS

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AVAILABILITY OF STATEMENT  
OF REASONS AND TEXT OF  
PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed actions, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations amended by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of amendment. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

**TITLE 10. DEPARTMENT OF  
INSURANCE**

**NOTICE OF PROPOSED  
REGULATORY ACTION**

**WORKERS' COMPENSATION DEDUCTIBLES  
AND LOSS RESERVES**

NOTICE IS HEREBY GIVEN that pursuant to California Government Code section 11346 *et seq.*, Insurance Commissioner John Garamendi (hereinafter "Commissioner") proposes to commence a rulemaking proceeding to adopt Article 9.8 of Subchapter 3 of Chapter 5 of Title 10 of the California Code of Regulations regarding the Workers' Compensation Deductibles and Loss Reserves with the Department of Insurance (hereinafter "Department"). The Commissioner conducts this rulemaking proceeding to gather information and public comment concerning this proposed regulation.

PUBLIC HEARING

The Commissioner will hold a public hearing to provide all interested persons an opportunity to present statements or arguments, either orally or in writing, with respect to this regulation, as follows:

**Date and time:** Monday, November 20, 2006,  
at 9:00 a.m.–1:00 p.m.

**Location:** California Department of  
Insurance  
300 Capitol Mall, 17th Floor  
Sacramento, CA 95814

**[Persons should check-in at the 17<sup>th</sup> Floor  
Reception for the hearing, and the hearing will be  
conducted in 16<sup>th</sup> floor conference room.]**

The hearing will continue on the date noted above until all testimony has been submitted or 1:00 p.m., whichever is earlier.

REASONABLE ACCOMMODATION

Pursuant to the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and the Unruh Civil Rights Act, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on the proposed regulations, may request assistance by contacting Christopher Citko, Senior Staff Counsel, 300 Capitol Mall, 17<sup>th</sup> Floor, Sacramento, CA, 95814; telephone, 916-492-3187; fax, 916-324-1883. It is recommended that assistance be requested at least two weeks prior to the hearing.

PRESENTATION OF WRITTEN COMMENTS

All persons are invited to submit written comments on the proposed regulations during the public comment period. The public comment period will end at 5:00 p.m. on November 20, 2006. Please direct all written comments to the following contact person:

Christopher A. Citko, Senior Staff Counsel  
California Department of Insurance  
300 Capitol Mall, 17<sup>th</sup> Floor  
Sacramento, CA 95814  
Telephone: (916) 492-3187

Questions regarding procedure, comments, or the substance of the proposed action should be addressed to the above contact person. If he is unavailable, inquiries may be addressed to the following backup contact person:

George Teekell, Staff Counsel  
California Department of Insurance  
45 Fremont Street  
San Francisco, CA 94105  
Telephone: (415) 538-4390

#### DEADLINE FOR WRITTEN COMMENTS

All written materials must be received by the Insurance Commissioner, addressed to one of the contact persons at his respective address listed above, no later than 5:00 p.m. on November 20, 2006. Any written materials received after that time will not be considered.

#### COMMENTS TRANSMITTED BY E-MAIL OR FACSIMILE

The Commissioner will accept written comments transmitted by e-mail provided they are sent to the following e-mail address: **citkoc@insurance.ca.gov**. The Commissioner will also accept written comments transmitted by facsimile provided they are directed to the attention of Christopher A. Citko and sent to the following facsimile number: **(916) 324-1883**. **Comments sent to other e-mail addresses or other facsimile numbers will not be accepted. Comments sent by e-mail/facsimile are subject to the deadline above for written comments and must be received no later than 5:00 p.m. on November 20, 2006.**

#### AUTHORITY AND REFERENCE TO CODE SECTIONS

The Commissioner proposes to adopt Article 9.8 pursuant to the authority of California Insurance Code (CIC) section 11736.5. The purpose of this regulation is to implement, interpret, and make specific the provisions of CIC section 11736.5.

#### INFORMATIVE DIGEST

Existing law provides for the regulation of workers' compensation insurers by the Department of Insurance regarding insurers' deposits for payment of workers' compensation losses and loss reserves. Existing law also requires workers' compensation insurers that issue workers' compensation policies that include a deductible be responsible for payment of all losses under that policy and to treat the deductible as an advance of funds by the insurer to the employer and creates a legal obligation of reimbursement. Insurance Code section 11736.5 enacted in AB 3075 (Chapter 1131, Statutes of 1994) requires the Commissioner to establish regulations re-

garding those forms of collateral or security that an insurer may designate to secure the deductible amount of any policy of workers' compensation and to establish the basis for reserves and recognition of receivables for insurers writing worker's compensation deductible policies. These regulations are promulgated to achieve those requirements established by the legislature concerning workers' compensation deductibles and policies.

#### COMPARABLE FEDERAL LAW

There are no existing federal regulations or statutes comparable to the proposed regulations.

#### LOCAL AGENCY AND SCHOOL DISTRICT MANDATES AND REIMBURSEMENTS

The Commissioner has determined that the proposed regulations do not impose any mandate on local agencies or school districts. There are no costs to local agencies or school districts for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement.

#### FISCAL IMPACT ESTIMATES TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Commissioner has determined that the proposed regulations will not impose costs on any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code. The Commissioner has determined that the proposed regulations will not impose any non-discretionary costs or savings to any local agencies or any costs or savings in federal funding to the State.

#### COSTS OR SAVINGS TO STATE AGENCIES

The Commissioner has determined that the proposed regulations will not impose any costs or savings to state agencies.

#### EFFECT ON HOUSING COSTS

The Commissioner has determined that the proposed regulations will have no significant effect on housing costs.

#### SIGNIFICANT, STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES/SMALL BUSINESSES

The Commissioner has made an initial determination that the adoption of this regulation will not have a sig-



nificant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The Commissioner has determined there are no alternatives to these proposed regulations to lessen this impact based upon the mandate of the legislature to allow for such collateral in lieu of deposits so as to insure the payment of compensation to injured workers as required by the California Insurance Code.

#### EFFECT ON JOBS AND BUSINESSES IN CALIFORNIA

The Commissioner is required to assess any impact the regulations may have on the creation or elimination of jobs in the State of California, the creation of new businesses, the elimination of existing businesses, and the expansion of businesses currently operating in the state. The Commissioner estimates that the proposed regulations will not have any impact or significant effect in these areas.

#### COST IMPACT ON PRIVATE PERSONS OR ENTITIES/BUSINESSES

The Commissioner is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### IMPACT ON SMALL BUSINESS

The Commissioner has determined that the proposed regulations will not affect small business as these regulations set forth requirements for insurance companies that insure for workers' compensation to take credit against deposits for specified collateral obtained for deductible policies and to establish loss reserves for losses incurred under deductible policies. Pursuant to Government Code section 11342.610, subdivision (b), paragraph (2), workers' compensation insurers are not small businesses.

#### ALTERNATIVES

The Commissioner must determine that no reasonable alternative considered by the Commissioner or that has otherwise been identified and brought to the attention of the Commissioner would be more effective in carrying out the purposes for which the regulations are imposed or would be as effective and less burdensome

to affected private persons than the proposed regulations.

#### TEXT OF REGULATIONS AND INITIAL STATEMENT OF REASONS

The Department has prepared an initial statement of reasons that sets forth the reasons for the proposed regulations. Upon request, the initial statement of reasons will be made available for inspection and copying. Requests for the initial statement of reasons or questions regarding this proceeding should be directed to the contact person listed above.

The file for this proceeding, which includes a copy of the proposed regulations, the initial statement of reasons, the information upon which the proposed action is based, and any supplemental information, including any reports, documentation and other materials related to the proposed action is contained in the rulemaking file, which is available for inspection and copying at 300 Capitol Mall, 17th Floor, Sacramento, California 95814, between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday.

#### 15-DAY CHANGES

If the regulations adopted by the Department differ from those which have originally been made available but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Interested persons should request a copy of these regulations prior to adoption from the contact person listed above.

#### FINAL STATEMENT OF REASONS

Upon request, the final statement of reasons will be made available for inspection and copying once it has been prepared. Requests for the final statement of reasons should be directed to the contact person listed above.

#### WEBSITE POSTINGS

Documents concerning this proceeding are available on the Department's website. To access them, go to <http://www.insurance.ca.gov>. Find, near the top of the leftmost column, the pull down menu under the heading "Quick Links." Select the "Legal Information" link. On the "Legal Information" page, click on the "Proposed Regulations" link. When the "Search or Browse for Documents for Proposed Regulations" screen appears, you may choose to find the documents either by conducting a search or by browsing for them by name.

- To search, enter “RH05045970” (the Department’s regulation file number for these regulations) in the search field. Alternatively, search using as your search term the California Insurance Code section number of a code section that the regulations implement (in this case, “11736.5”) or search by keyword (“workers’ compensation”, “workers’ compensation deductibles”, for example). Then, click on the “Submit” button to display links to the various filing documents.
- To browse, click on the “Browse All Regulations” button near the bottom of the screen. A list of the names of regulations for which documents are posted will appear. Find in the list the “Workers’ Compensation Deductible Collateral and Loss Reserves” link, and click it. Links to the documents associated with these regulations will then be displayed.

#### AUTOMATIC MAILING

A copy of this notice, including the informative digest, which contains the general substance of the proposed regulations, will automatically be sent to all persons on the Insurance Commissioner’s mailing list.

### **TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING**

#### **Subject of Proposed Rulemaking**

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend Regulation 1005(h) and delete Regulations 1011, 1018(f), 1055(l), and the incorporated Commission Procedures F-1, F-2, F-5, F-6, and H-4 in Title 11, Division 2 of the California Code of Regulations (CCR). The Commission is replacing the deleted regulations, regulation sections, and procedures that are now numbered in the 1000 series with new regulation numbers in the 9000 numbered series. The new regulations when adopted will become part of Title 11, Division 9 of the CCR.

#### **Authority and Reference**

The proposed changes are being made pursuant to the authority vested by Penal Code sections 13503 (powers of the Commission on POST), 13506 (power to adopt regulations), 13510.1 (mandates POST to establish a professional, peace officer certificate program), 13510.1(e) (authority to cancel certificates), 13510.3 (voluntary certificate program — record supervisors), 13510.7 (ineligibility status in training record) and Government Code section 1029 (disqualification from

peace officer employment). The proposed changes are intended to interpret, implement, and make specific sections PC 832.4 (mandates Basic Certificate for certain officers), PC 13503(e) (implement programs to increase the effectiveness of law enforcement) (h) & (i) (restrictions on revocation and cancellation of certificates), PC 13506 (adopt regulations), PC 13510.1 (certification program for peace officers), PC 13510.1(e) (implements cancellation of certificates), PC 13510.3 (voluntary certificate program — record supervisors), PC 13510.7 (mandates POST to enter into record those individuals ineligible to be peace officers and those Basic Certificates that are deemed null and void), and Government Code section 1031 (defines qualifying education).

#### **Public Comments Due By November 20, 2006**

The Commission hereby requests written comments related to the proposed actions. Please direct all comments to Executive Director Kenneth J. O’Brien. **POST must receive all written comments before 5:00 p.m. on November 20, 2006**, by fax 916.227.5271 or by U.S. Mail addressed to the Commission on Peace Officer Standards and Training, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083. A public hearing is not scheduled. Pursuant to Government Code Section 11346.8, any interested person, or his/her duly authorized representative may request that POST hold a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Currently Commission Regulations reflect that the Commission has the authority to cancel or revoke peace officer certificates, as well as, request that cancelled or revoked certificates be returned to the Commission. Up until the legislative changes of January 2003, POST, upon notification of a peace officer felony conviction or peace officer disqualification, would cancel the peace officer’s certificate and demand that the certificate be returned to the Commission. However, the legislative changes of January 2003, specifically the addition of PC 13503(h) and (i), eliminated these authorities of POST.

Realizing that Commission Regulation 1011 and Procedure F-2 required amendments to reflect the changes resulting from the adoption of Penal Code sections 13503(h) and (i), staff began looking at all certificate regulations and procedures in the POST Administrative Manual. This review uncovered that certificate regulations are included in Regulations 1005(h), 1011, 1018(f), 1055(l), and Procedures F-1, F-2, F-3, F-4, F-5, F-6, and H-4. A proposal was made to POST

Management to improve Commission regulations and procedures through rewriting and reformatting the POST Administrative Manual in a more logical and user-friendly style. The proposal was introduced at the 2006 Strategic Plan Meeting, and as a result, the proposal was added as a strategic objective.

Due to the sheer size of the project to reformat the PAM, staff will make change proposals incrementally. This proposal covers "Chapter 7 — Certificates," which is the first of the incremental proposals to be completed due to the urgency to reflect the legislative changes effecting certificates that occurred in 2003.

The following is the list of proposed new regulations to be included in "Chapter 7 — Certificates" along with explanations of the impact of proposed changes:

**Regulation 9070 Professional Certificates — Peace Officers**

Replaces Regulation 1011 and Procedures F-1, part of F-2, F-4, and H-4. Amendments do not include any significant impact on the peace officer certificate program. Certificate cancellation/denial text is removed from Regulation 1011(b) and (d) and is now in Regulations 9072 and 9073.

**Regulation 9071: Peace Officer Disqualification and Certificate Records**

Replaces part of Procedure F-2. Significant Impact includes:

- 1) In accordance with Penal Code section 13503(h) and (i) deletes the authority for the Commission to cancel/revoke peace officer certificates except where authorized in law (see reasons in Regulation 9072 above), and
- 2) Deletes the authority of the Commission to request the return of professional certificates except where authorized in law (see reasons in Regulation 9072 above), and
- 3) In accordance with Penal Code section 13510.7, adds language that requires the Commission to record information on peace officer profiles to reflect when a peace officer has been disqualified from being employed as a peace officer or when a peace officer's Basic Certificate has been determined to be null and void.

Language has been added that impacts any individual who has had a conviction overturned or reversed by placing responsibility on the individual to request that the peace officer disqualification statement be removed from his/her POST record.

**Regulation 9072: Professional Certificate — Dispatchers**

Replaces Regulation 1018(f) and Procedure F-5. Amendments have been made for clarification, and do

not include any significant impact on the public safety dispatcher certificate program.

**Regulation 9073: Professional Certificate — Records Supervisor**

Replaces part of Regulation 1005(h), 1011(f), and Procedure F-6. Amendments do not include any significant impact to the Records Supervisor Certificate.

**Regulations numbers 9074 and 9075 are reserved for future additions to certificate chapter.**

**Regulation 9076: Certificates of Course Completion**

Provides an explanation of these types of certificates and specifies what should be included on the certificate when issued by the presenter. Requires presenters to issue this type of certificate for courses listed in Regulation 1070. This new regulation replaces current Regulation 1055(l).

**Regulation 9077: Certificate Replacement**

Replaces Procedure F-3. Significant impacts include: 1) makes the provisions of certificate reissuance regulatory (Procedure F-3 is currently not incorporated into regulation), and 2) removes the option for Management and Executive certificate holders to request certificate reissuance for the reason of obtaining a new certificate that reflects a change in employment jurisdiction.

**Regulation 9078: Certificate Cancellations**

Replaces part of Procedure F-2. Retains the part of F-2 that allows for cancellation due to circumstances of fraud, misrepresentation, or administrative error. No significant impact.

**Text of Proposal, Rulemaking File, and Internet Access**

The following information regarding the proposed regulatory action is located on the POST website at [www.post.ca.gov/RegulationNotices/Regulation-Notices.asp](http://www.post.ca.gov/RegulationNotices/Regulation-Notices.asp):

- POST bulletin and Notice of Proposed Regulatory Action
- Text of Proposed Regulatory Action
- Initial Statement of Reasons.

Anyone who does not have Internet access may request a copy of the above documents by calling 916.227.4847 or by submitting a written request to the **Contact Persons** listed below. Please refer to POST Bulletin 2006-18. The rulemaking file contains the above-mentioned documents and all information considered for this proposal. The Commission will maintain the file for inspection during the Commission's normal business hours (Monday through Friday, 8: a.m. to 5 p.m.).

The Final Statement of Reasons will be prepared after the close of the public comment period. To request a copy, contact POST via the above phone number, or by



writing to the address under **Contact Persons** (see below) in this notice.

### **Contact Persons**

Please direct any inquiries or comments pertaining to the proposed action to Anna Del Porto, Associate Analyst, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, by telephone at 916.227.4854, by FAX at 916.227.5271, or by email at [Anna.DelPorto@post.ca.gov](mailto:Anna.DelPorto@post.ca.gov). The back-up contact person for this proposal is Patricia Cassidy, Associate Analyst; you may reach her by telephone at 916.227.4847, or by email at [Pat.Cassidy@post.ca.gov](mailto:Pat.Cassidy@post.ca.gov).

### **Adoption of Proposed Regulations**

Following the close of the public comment period, the Commission may adopt the proposal substantially as set forth without further notice or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be available, at least 15 days before adoption, to all persons whose comments POST received during the public comment period, and to all persons who request notification from POST of the availability of such changes. Address any requests for the modified text to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date on which the revised text is available.

### **Estimate of Economic Impact**

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Non-Discretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Costs to any Local Agency or School District for which Government Code Section 17561 Requires Reimbursement: None

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with businesses in other states. The Commission on Peace Officer Standards and Training has found that the proposed amendments will have no effect on California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement and does not have an impact on California businesses, including small businesses.

Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed action.

Effect on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would have no effect on housing costs.

### **Assessment**

The adoption of the proposed regulation amendments will neither create nor eliminate jobs in the state of California, and will not result in the elimination of existing businesses or create or expand businesses in the State of California.

### **Consideration of Alternatives**

To take this action, the Commission must determine that no reasonable alternative considered by the Commission, or otherwise identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to effected private persons than the proposed action.

## **GENERAL PUBLIC INTEREST**

### **CALIFORNIA GAMBLING CONTROL COMMISSION**

This notice of general public interest concerns the notice published on September 15, 2006 (notice file number Z-06-0905-06) concerning initial fees for state gambling licenses. This September 15 notice stated that the written public comment period closed on October 30, 2006. The comment period is hereby extended to Tuesday, November 7, 2006.

### **TITLE 2. DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**

NOTICE IS HEREBY GIVEN that the prospective contractors listed below have been required to submit a Nondiscrimination Program (NDP) or a California Employer Identification Report (CEIR) to the Department of Fair Employment and Housing, in accordance with the provisions of Government Code Section 12990. No such program or (CEIR) has been submitted and the prospective contractors are ineligible to enter into State contracts. The prospective contractor's signature on Standard Form 17A, 17B, or 19, therefore, does not constitute a valid self-certification. Until further notice, each of these prospective contractors in order to



submit a responsive bid must present evidence that it's Nondiscrimination Program has been certified by the Department.

ASIX Communications, Inc.  
DBA ASI Telesystems, Inc.  
21150 Califa Street  
Woodland Hills, CA 91367

Bay Recycling  
800 77th Avenue  
Oakland, CA 94621

C & C Disposal Service  
P.O. Box 234  
Rocklin, CA 95677

Choi Engineering Corp.  
286 Greenhouse Marketplace, Suite 329  
San Leandro, CA 94579

Fries Landscaping  
25421 Clough  
Escalon, CA 95320

Marinda Moving, Inc.  
8010 Betty Lou Drive  
Sacramento, CA 95828

MI-LOR Corporation  
P.O. Box 60  
Leominster, MA 01453

Peoples Ridesharing  
323 Fremont Street  
San Francisco, CA 94105

San Diego Physicians & Surgeons Hospital  
446 26th Street  
San Diego, CA

Southern CA Chemicals  
8851 Dice Road  
Santa Fe Springs, CA 90670

Tanemura and Antle Co.  
1400 Schilling Place  
Salinas, CA 93912

Turtle Building Maintenance Co.  
8132 Darien Circle  
Sacramento, CA 95828

Univ Research Foundation  
8422 La Jolla Shore Dr.  
La Jolla, CA 92037

Vandergoot Equipment Co.  
P.O. Box 925  
Middletown, CA 95461

## DEPARTMENT OF FISH AND GAME

Department of Fish and Game —  
Public Interest Notice  
For Publication October 6, 2006  
CESA CONSISTENCY DETERMINATION FOR  
Cohasset Road Widening Project  
Butte County

The Department of Fish and Game ("Department") received a notice on September 18, 2006 that the City of Chico proposes to rely on consultations between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act ("CESA"). This project consists of the widening and repaving of approximately 2.3 miles of Cohasset Road, including relocation of drainage ditches and placement of culverts in and around annual grassland and vernal pool habitat. The project is located in the City of Chico, Butte County.

The U.S. Fish and Wildlife Service, on August 18, 2006, issued to the Federal Highway Administration ("FHWA"), a no jeopardy federal biological opinion (1-1-06-F-0190) which considers the Federally and State endangered Butte County meadowfoam (*Limnanthes floccosa* ssp. *californica*), and authorizes incidental take of the species and 0.066 acres of its habitat.

Pursuant to California Fish and Game Code Section 2080.1, the City of Chico is requesting a determination that federal biological opinion 1-1-06-F-0190 is consistent with CESA. If the Department determines that the federal biological opinion is consistent with CESA, the City of Chico will not be required to obtain an incidental take permit for the proposed project.

## DEPARTMENT OF FISH AND GAME

Department of Fish and Game —  
Public Interest Notice  
For Publication October 6, 2006  
CESA CONSISTENCY DETERMINATION FOR  
State Route 99/Sheldon Road Interchange Project  
Sacramento County

The Department of Fish and Game ("Department") received a notice on September 21, 2006 that the City of Elk Grove ("City") proposes to rely on consultations between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act ("CESA"). This project consists of the reconstruction of the existing Sheldon Road/State Route 99 interchange and associated frontage road alignments and access ramps in Sacramento County.

The activities will result in temporary impacts to 0.059 acres of giant garter snake habitat.

The U.S. Fish and Wildlife Service, on August 17, 2006, issued to the Federal Highway Administration ("FHWA"), a no jeopardy federal biological opinion (1-1-06-F-0201) which considers the Federally and State threatened giant garter snake (*Thamnophis gigas*), and authorizes incidental take.

Pursuant to California Fish and Game Code Section 2080.1, the City is requesting a determination that federal biological opinion 1-1-06-F-0201 is consistent with CESA. If the Department determines that the federal biological opinion is consistent with CESA, the City will not be required to obtain an incidental take permit for the proposed project.

**ACCEPTANCE OF PETITION  
TO REVIEW ALLEGED  
UNDERGROUND REGULATIONS**

**DEPARTMENT OF CORRECTIONS AND  
REHABILITATION**

**OFFICE OF ADMINISTRATIVE LAW**

**ACCEPTANCE OF PETITION TO REVIEW  
ALLEGED UNDERGROUND REGULATIONS  
(Pursuant to title 1, section 270, of the California  
Code of Regulations)**

**Agency being challenged:** Department of Corrections and Rehabilitation — CTU Nos. 06-0829-01 and 06-0831-01

NOTE: CTU Nos. 06-0829-01 and 06-0831-01 involve the same issue and will be dealt with as one determination. We are, therefore, printing both petitions here but your comment to one will be considered for both.

The Office of Administrative Law has accepted the following petition for consideration. Please send your comments to:

Kathleen Eddy, Senior Counsel  
Office of Administrative Law  
300 Capitol Mall, Ste. 1250  
Sacramento, CA 95814

A copy of your comment must also be sent to the petitioner and the agency contact person.

Petitioners:

Christopher Harbrigde  
K61356, P.U.S.P ASU  
P.O. BOX 8505  
Coalinga, CA 93210

Darryl Wakefield  
J43263, 4B2R-42L  
California State Prison — Corcoran  
P.O. BOX 3481  
Corcoran, CA 93212

Agency contact:

Timothy Lockwood, Chief  
Regulation and Policy Management Branch  
Correctional Standards Authority  
P.O. BOX 942883  
Sacramento, CA 94283-0001

**CTU-06-0829-01**

**PETITION TO THE OFFICE OF  
ADMINISTRATIVE LAW**

**RE:** Alleged Underground Regulation  
**FROM:** Christopher Harbridge (Petitioner)  
**DATE:** 8-24-06

Use of this form is entirely optional. It requests the information required by Title 1, California Code of Regulations, section 260, for a petition challenging an alleged underground regulation. Although you are not required to use this specific form, the mandatory information required by 1 CCR 260, including the supporting documentation, must be included somehow in your petition. If you create a separate petition, or if you use this form and need to add extra pages, be sure that each page is labeled clearly.

**1. Identifying Information:**

Your name: Christopher Harbridge

Your address: K-61356, P.V.S.P. ASU # 1 — 154  
P.O. BOX 8505  
Coalinga, CA 93210

Your telephone number (if you have one):

Your email (if you have one):

**2. State agency or department being challenged:**  
**CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION (C.D.C.R.)**

**3. Provide a complete description of the purported underground regulation. Attach a written copy of it. If the purported underground regulation is found in an agency manual, identify the specific provision of the manual alleged to comprise the underground regulation. Please be as precise as possible.**

C.D.C.R. Memorandum dated April 25<sup>th</sup>, 2003, memo# DD58-03, regarding "Double-Cell housing policy", Signed by the deputy director of Institution division, W.A. Duncan.

4. Provide a description of the agency actions you believe demonstrate that it has issued, used, enforced, or attempted to enforce the purported underground regulation.

The C.D.C.R. Has attempted to force me to live in A 6x10 foot cell with another inmate, many of whom are murderers, rapists, drug addicts, mentally ill, Etc., and have a history of assaulting their cellmates. This policy has led to many inmates being raped, killed, and beaten by their cellmates. When I refused to double — Cell I was tortured by C.D.C.R. officials who ordered me placed in an empty cell, made entirely of cement, even the bunk, with no mattress, wearing only boxers & a T-shirt, with unheated air blowing into it during the winter, when temperatures were below freezing, with no way to protect myself from the elements & nowhere to sit or lie down because the cement was ice-cold.

Petitioner's Name: Christopher Harbridge Date: 8-24-06

5. State the legal basis for believing that the guideline, criterion, bulletin, provision in a manual, instruction, order, standard of general application, or other rule or procedure is a regulation as defined in Section 11342.600 of the Government Code AND that no express statutory exemption to the requirements of the APA is applicable.

The challenged regulations is a rule, regulation, order, or standard of general application adopted by an agency to implement, interpret or make specific the law enforced or administered by the agency, or to govern its procedure. In fact, the memorandum deigns by stating "It is departmental policy. . . ." It has not been adopted as an emergency regulation, and is not a rule relating only to internal management of the agency.

6. Provide information demonstrating that the petition raises an issue of considerable public importance requiring prompt resolution.

The life, death, and safety of inmates is an issue of public importance. The C.D.C.R.'s underground Double — celling policy had led to numerous rapes, assaults, and deaths. In fact, last year on Facility — A at P.V.S.P. and inmate was killed by his cellmate after the perpetrator told the housing unit officers that he is going to hurt his cellmate if they don't separate the two. The officers to the killers, "go ahead and hurt your cell-

mate, we don't care." This type of response is typical (see exhibits) The sheriff investigated the murder, and many inmates told them of the officer's rule, But they covered it up.

7. (Optional) Please attach any additional relevant information that will assist OAL in evaluating your petition.

The C.D.C.R.'s Double-Cell policy is part of a public fraud. They use the one-man per-cell ratio to argue for new prisons due to the near 200% over capacity based on this ratio. If they made the Double-Cell policy official they would not be able to claim such over-capacity. The fact that they claim near 2005 over capacity is evidence that the Double-Cell policy is not official.

8. Certifications:

I certify that I have submitted a copy of this petition and all attachments to:

Name: CDCR REGULATIONS & POLICY  
MANAGEMENT BRANCH

Agency: P.O. BOX 942883

Address: Sacramento, CA 94283-0001

Telephone number:

I certify that all of the above information is true and correct to the best of my knowledge.

Original signed by	
<u>Christopher Harbridge</u>	<u>8-24-06</u>
Signature of Petitioner	Date

Additional information, including OAL's recommendations for submitting a petition, may be found on the OAL web site at [www.oal.ca.gov](http://www.oal.ca.gov).

If you have additional questions, contact the OAL Reference Attorney by calling (916) 323-6815, or by sending an e-mail message to [staff@oal.ca.gov](mailto:staff@oal.ca.gov).

Deliver this petition, along with all supporting information, to:

Office of Administrative Law  
300 Capitol Mall, Suite 1250  
Sacramento, CA 95814  
Attention: Chapter 2 Compliance Unit

OAL will only accept petitions and accompanying documentation delivered in hard copy, either through the mail, or by hand delivery in person or by a commercial delivery service (FedEx, UPS, etc). We do not accept petitions via e-mail or fax.

CTU-06-0831-01

**PETITION TO THE OFFICE OF  
ADMINISTRATIVE LAW**

**RE:** Alleged Underground Regulation

**FROM:** DARRYL WAKEFIELD (Petitioner)

**DATE:** August 27, 2006

Use of this form is entirely optional. It requests the information required by Title 1, California Code of Regulations, section 260, for a petition challenging an alleged underground regulation. Although you are not required to use this specific form, the mandatory information required by 1 CCR 260, including the supporting documentation, must be included somehow in your petition. If you create a separate petition, or if you use this form and need to add extra pages, be sure that each page is labeled clearly.

1. Identifying Information:

Your name: DARRYL WAKEFIELD

Your address: J43263, 4B2R-42L, California State Prison—Corcoran

Your telephone number (if you have one): (559) 992-8800

Your email (if you have one): N/A

2. State agency or department being challenged: California Department of Corrections and Rehabilitation: California State Prison—Corcoran

3. Provide a complete description of the purported underground regulation. Attach a written copy of it. If the purported underground regulation is found in an agency manual, identify the specific provision of the manual alleged to comprise the underground regulation. Please be as precise as possible.

Memorandum dated April 25, 2003, Titled/Subject: "Double Cell Housing Policy."

4. Provide a description of the agency actions you believe demonstrate that it has issued, used, enforced, or attempted to enforce the purported underground regulation.

CDCR — CSP Corcoran officers are using this Memorandum to issue us prisoners Rule Violation Reports (115s). I have been given 5 115s for not accepting a celly and the officers are using this April 25, 2003, Memorandum as policy.

5. State the legal basis for believing that the guideline, criterion, bulletin, provision in a manual, instruction, order, standard of general application, or other rule or procedure is a regulation as defined in Section 11342.600 of the Government Code AND that no express statutory exemption to the requirements of the APA is applicable.

This April 25, Memorandum was issued to all California State Prisons to be used in all General Populations, Administrative Segregation Unit (ASU), and Security Housing Unit (SHU) setting; it was issued by W.A. Duncan, Deputy Director Institutions Division.

The Director of CDCR clearly approves of this illegal Memorandum being used as CDCR Regulations of Title 15 quoting section 3001. See attached 602 Inmate/Parolee Appeal Form Log No. COR 05-2939, IAB Case No. 0505641; Exhibit B)

6. Provide information demonstrating that the petition raises an issue of considerable public importance requiring prompt resolution.

The public expects CDCR to abide by all laws of California Penal Code, Government Code. My family expects CDCR employees to treat me fairly and not to punish me with 115s using illegal policies. Plus my family never had the opportunity to attend a public hearing on this Memorandum because CDCR did not follow Government codes.

7. (Optional) Please attach any additional relevant information that will assist OAL in evaluating your petition.

See Exhibit A,B,C,D

See: Penal Code 5058 and 5076.2

Government Code 11340 et seq.

8. Certifications:

I certify that I have submitted a copy of this petition and all attachments to:

Name: State of California

Agency: Office of Administrative Law

Address: 300 Capitol Mall, Suite 1250

Telephone number: (916) 323-6815, email [staff@oal.ca.gov](mailto:staff@oal.ca.gov)

I certify that all of the above information is true and correct to the best of my knowledge.

Original signed by

Darryl Wakefield

Signature of Petitioner

\_\_\_\_\_ Date

Additional information, including OAL's recommendations for submitting a petition, may be found on the OAL web site at [www.oal.ca.gov](http://www.oal.ca.gov).

If you have additional questions, contact the OAL Reference Attorney by calling (916) 323-6815, or by sending an e-mail message to [staff@oal.ca.gov](mailto:staff@oal.ca.gov).

**DIVISION OF STATE ARCHITECT**

**Agency being challenged:** Division of State Architect  
— CTU No. 06-0906-02

The Office of Administrative Law has accepted the following petition for consideration. Please send your comments to:



Kathleen Eddy, Senior Counsel  
Office of Administrative Law  
300 Capitol Mall, Ste. 1250  
Sacramento, CA 95814

A copy of your comment must also be sent to the petitioner and the agency contact person.

Petitioner:

Michael Merino  
Michael Merino Architects  
629 North Main Street  
Orange, CA 92688

Agency contact:

David Thorman, State Architect of California  
Division of State Architect  
1102 Q Street, Ste. 5100  
Sacramento, CA 95814

CTU No. 06-0906-02

**PETITION TO THE OFFICE OF  
ADMINISTRATIVE LAW**

**RE:** Alleged Underground Regulation

**FROM:** Michael R. Merino, AIA (Petitioner)

**DATE:** September 5, 2006

Use of this form is entirely optional. It requests the information required by Title 1, California Code of Regulations, section 260, for a petition challenging an alleged underground regulation. Although you are not required to use this specific form, the mandatory information required by 1 CCR 260, including the supporting documentation, must be included somehow in your petition. If you create a separate petition, or if you use this form and need to add extra pages, be sure that each page is labeled clearly.

1. Identifying Information:

Your name: **Michael R. Merino, AIA**

Your address: **629 N. Main Street, Orange, CA 92688**

Your telephone number (if you have one): **(714) 288-9788**

Your email (if you have one): **mrmerino@aol.com**

2. State agency or department being challenged:  
**DGS/Division of State Architect (DSA)**

3. Provide a complete description of the purported underground regulation. Attach a written copy of it. If the purported underground regulation is found in an agency manual, identify the specific provision of the

manual alleged to comprise the underground regulation. Please be as precise as possible.

**DSA has instituted a Policy #06-01 (attached) which, as implemented, gives this agency the authority to seize/retain a licensed design professional's private property (i.e. his "instruments of service" as defined by the Architect Practice Act) without his/her consent (in order to avoid potential penalties such as the withholding of approval) AND also requires him/her to sign a document which holds the state harmless from any issues resulting during the time that the state has possession of these documents.**

4. Provide a description of the agency actions you believe demonstrate that it has issued, used, enforced, or attempted to enforce the purported underground regulation.

**Upon refusal of a licensed professional to comply with this policy, DSA has issued a letter (see attached) which indicates that DSA approval will be withheld although NO applicable/appropriate corrective issues within the authority of the agency (i.e. structural safety, fire/life safety, access compliance deficiencies) may be present or required within the documents. Additionally, as part of their policy, DSA has mandated the use of particular vendors AND that the licensed professional must pay for these specific vendors on a procedure DIRECTED by the agency/state (i.e. requiring that a citizen pay for a process mandated by the state agency) but NOT specifically called for by law (which, in this case, is the "scanning" of the licensed professional's documents).**

5. State the legal basis for believing that the guideline, criterion, bulletin, provision in a manual, instruction, order, standard of general application, or other rule or procedure is a regulation as defined in Section 11342.600 of the Government Code AND that no express statutory exemption to the requirements of the APA is applicable.

**1) In violation of the Administrative Procedures Act, DSA has issued this policy to "implement, interpret, or make specific law enforced or administered by the agency" (as noted in OAL's "What Is A Regulation" document dated 4/6/06). This policy has NOT been adopted pursuant to the APA. State agencies may NOT be permitted to avoid mandatory rule making requirements by simply implementing a policy of this nature. This policy does not meet the statutory exemptions found in the APA for: 1) internal management; 2) forms; and/or 3) audit guidelines, as it is enforced on entities external to DSA (California Licensed Design Professionals).**

2) THERE IS NO DIRECT BASIS FOR THIS SPECIFIC ACTION IN THE EDUCATION CODE CITED BY DSA. The Education Code requires that DSA should “cause a record set to be made” but NOT that this should be done by “taking possession” of the design professional’s documents NOR that “scanning” is a part thereof.

6. Provide information demonstrating that the petition raises an issue of considerable public importance requiring prompt resolution.

The seizure of private property by the government is of utmost importance. The state should NOT be allowed to seize a licensed professional’s documents, then require him/her to hold the state harmless for doing so, AND then require that he/she use a vendor mandated/selected by that agency. Furthermore, should this action become allowable, what is to prevent this agency from extending this authority to enter a domicile or other private property to obtain or “seize” these documents? There is NO basis in law for this agency to implement this underground regulation.

7. (Optional) Please attach any additional relevant information that will assist OAL in evaluating your petition.

Please see the attached.

8. Certifications:

I certify that I have submitted a copy of this petition and all attachments to:

Name: **Mr. David Thorman, AIA, State Architect of California**  
 Agency: **Division of State Architect**  
 Address: **1102 “Q” Street, Suite 5100 Sacramento, CA 95814**

Telephone number: **(916) 445-8100**

I certify that all of the above information is true and correct to the best of my knowledge.

/s/ September 5, 2006  
 Signature of Petitioner Date

## SUMMARY OF REGULATORY ACTIONS

### REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indi-

cated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

#### BOARD OF FORESTRY AND FIRE PROTECTION Watershed with T or I values Extension, 2006

This rulemaking extends the sunset date for provisions of the California Forest Practice Rules related to the protection of threatened or impaired watersheds (T/I) to December 31, 2007. Without amendment, the regulations will expire December 31, 2006. BFFP has requested the extension to review literature regarding the impact of the T/I regulations, as well as continue protection of anadromous salmonids.

Title 14

California Code of Regulations

AMEND: 895.1, 898, 914.8, [934.8, 954.8], 916, [936, 956], 916.2 [936.2, 956.2], 916.9, [936.9, 956.9], 916.11, [936.11, 956.11], 916.12, [936.12, 956.12], 923.3, [943.3, 963.3], 923.9, [943.9, 963.9]

Filed Agency 09/20/06

Effective 10/20/06

Agency Contact:

Christopher Zimny (916) 653-9418

#### BOARD OF OPTOMETRY

Cite and Fine

The regulatory action deals with fines for citable offenses. (Prior OAL File 06-0323-02S.)

Title 16

California Code of Regulations

AMEND: 1579

Filed 09/26/06

Effective 10/26/06

Agency Contact: Gary Randolph (916) 575-7173

#### CALIFORNIA HORSE RACING BOARD

Place Pick (n)

This rulemaking amends Title 4 section 1976.8 to provide that if the condition of the track warrants a change of surface in a race — turf to dirt or dirt to turf — comprising a Place Pick (n) wager and the public is not notified prior to the close of wagering, all wagers on the race shall be considered winning wagers for purposes of the Place Pick (n) pool. This is necessary to protect the wagering public because they might not have been fully informed regarding the racing surface when they placed their wagers.

Title 4  
California Code of Regulations  
AMEND: 1976.8  
Filed 09/26/06  
Effective 10/26/06  
Agency Contact: Harold Coburn (916) 263-6397

#### DEPARTMENT OF INSURANCE

##### Workers' Compensation Pure Premium Rates

This filing will result in the publication of history notes describing amendments to regulations related to the Uniform Statistical Reporting Plan. These were last filed June 19, 2006 with a January 1, 2006 effective date. This filing was received August 10 with an effective date of July 1, 2006. These amendments are exempt from the APA.

Title 10  
California Code of Regulations  
AMEND: 2318.6, 2353.1  
Filed 09/20/06  
Effective 09/20/06  
Agency Contact:  
Christopher A. Citko (916) 492-3187

#### DEPARTMENT OF MENTAL HEALTH

##### Mental Health Services Act

On December 30, 2005, the Department of Mental Health (DMH) submitted to the Office of Administrative Law (OAL), and OAL filed with the Secretary of State (SOS), an emergency regulatory action which implemented Proposition 63, the Mental Health Services Act. Section 5898 of the Welfare and Institutions Code (WIC) provides that such regulations, if adopted in 2005, are deemed an emergency, exempt from the review of OAL, and shall remain in effect as emergency regulations for no more than one year. On January 13, 2006, DMH submitted an amendment to these emergency regulations, by way of a new subsection (b) to section 3400, which was not submitted during 2005 and therefore was not deemed an emergency and exempt from OAL review per WIC 5898. New subsection (b) of section 3400 provides requirements for programs and/or services provided with Mental Health Services Act funds. New subsection (b) of section 3400 was approved by OAL and filed with the SOS on January 23, 2006. Subsection (b) of section 3400 was readopted on May 24, 2006 and was submitted here in this regulatory action for a second readoption. Subsection (b)(2) of section 3400 was amended by DMH prior to the approval by OAL of this second readoption.

Title 9  
California Code of Regulations  
ADOPT: 3400  
Filed 09/25/06  
Effective 09/25/06  
Agency Contact: Steven Appel (916) 654-4027

#### DIVISION OF WORKERS COMPENSATION

##### Workers' Compensation — Return to Work Regulations

This regulatory action is to implement and make specific some of the statutory enactments of SB 899. This bill included provisions in Labor Code (LC) §139.48 for the Return to Work Program, added a new subsection (d) to LC §4658 regarding an increase or decrease in permanent partial disability payments depending on whether an employer makes a legally tenable offer of regular, modified or alternative work to an employee whose disability has been determined to have become permanent and stable, and added some definitions to §4658.1. The Return to Work Program provisions became effective for injuries on or after July 1, 2004, and the return to work incentive under subsection (d) is effective for injuries on or after January 1, 2005. These regulations are being promulgated to provide additional guidance to employers, injured employees and insurers in implementing the statutory scheme.

Title 8  
California Code of Regulations  
ADOPT: 10001, 10002, 10003  
Filed 09/21/06  
Effective 10/21/06  
Agency Contact: Destie Overpeck (415) 703-4659

#### FAIR POLITICAL PRACTICES COMMISSION

##### SEI's — Members of Bds & Commission Where to File

This rulemaking amends Title 2 section 18754. This regulation details when and where members of boards or commissions of newly created agencies must file their statements of economic interests. This rulemaking clarifies when a member of a governing board or commission of a newly created agency is not subject to this regulation.

Title 2  
California Code of Regulations  
AMEND: 18754  
Filed 09/27/06  
Effective 10/27/06  
Agency Contact: Andy Rockas (916) 322-5660

#### OCCUPATIONAL SAFETY AND HEALTH

##### STANDARDS BOARD

##### CSO—Section

This rulemaking action rewords text of an existing regulation to clarify that cranes designed and used ex-

clusively for railway and/or automotive wreck clearance are excluded from the requirements of the General Industry Safety Orders.

**Title 8**

California Code of Regulations

AMEND: 4920

Filed 09/25/06

Effective 10/25/06

Agency Contact: Marley Hart (916) 274-5721

**CCR CHANGES FILED  
WITH THE SECRETARY OF STATE  
WITHIN APRIL 26, 2006 TO  
SEPTEMBER 27, 2006**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 2**

09/27/06 AMEND: 18754  
09/07/06 AMEND: 21904, 21905  
09/05/06 AMEND: 1859.2, 1859.76, 1859.83, 1859.163.1  
08/23/06 AMEND: 1181.4  
08/21/06 AMEND: 1859.2, 1859.70.1, 1859.71.3, 1859.78.5  
08/15/06 ADOPT: 20108, 20108.1, 20108.12, 20108.15, 20108.18, 20108.20, 20108.25, 20108.30, 20108.35, 20108.36, 20108.37, 20108.38, 20108.40, 20108.45, 20108.50, 20108.51, 20108.55, 20108.60, 20108.65, 20108.70, 20108.75, 20108.80  
08/11/06 AMEND: 1859.2, 1859.40, 1859.51, 1859.70, 1859.93.1, 1859.95, 1859.147, 1859.202, 1866  
07/24/06 AMEND: 18944  
07/06/06 AMEND: 575.1, 575.2  
06/20/06 AMEND: 18537  
06/08/06 AMEND: 18526  
05/26/06 ADOPT: 18438.5 AMEND: 18438.8  
05/25/06 AMEND: 18942  
05/24/06 ADOPT: Div. 8, Ch. 111, Sec. 59560  
05/24/06 AMEND: 433.1  
05/17/06 ADOPT: 22610.1, 22610.2, 22610.3, 22610.4

05/15/06 AMEND: 1859.2, 1859.40, 1859.51, 1859.70, 1859.93.1, 1859.95, 1859.147, Form SAB 50-04

05/08/06 AMEND: 18537.1

**Title 3**

09/19/06 AMEND: 3433(b)  
09/12/06 AMEND: 3591.12(a)  
09/12/06 AMEND: 3406(b)  
09/08/06 AMEND: 3423(b)  
09/07/06 AMEND: 3433(b)  
09/05/06 AMEND: 3406(b)  
08/29/06 AMEND: 3433(b)  
08/24/06 AMEND: 3433(b)  
08/23/06 AMEND: 3591.12(a)  
08/17/06 AMEND: 3591.19(a)  
08/16/06 AMEND: 3433(b)  
08/15/06 AMEND: 3700(c)  
08/15/06 AMEND: 3700(c)  
08/10/06 AMEND: 3591.6 (a)  
08/01/06 AMEND: 3424(b)  
08/01/06 AMEND: 3591.6(a)  
07/28/06 AMEND: 3591.2(a)  
07/26/06 AMEND: 3700(c)  
07/21/06 REPEAL: 1366  
07/19/06 ADOPT: 6310 AMEND: 6170  
07/18/06 ADOPT: 6960 AMEND: 6000  
07/17/06 AMEND: 3591.6(a)  
07/05/06 AMEND: 3591.6  
07/03/06 AMEND: 3589(a)  
06/28/06 AMEND: 3433(b)  
06/12/06 AMEND: 3433(b)  
05/23/06 ADOPT: 3424  
05/23/06 ADOPT: 6580, 6582, 6584  
05/19/06 AMEND: 3433(b)  
05/18/06 AMEND: 3591.12(a)  
05/18/06 ADOPT: 1472.7.2 AMEND: 1472, 1472.4  
05/11/06 AMEND: 3591.19  
04/28/06 AMEND: 1380.19, 1420.10  
04/27/06 AMEND: 3406(b)

**Title 4**

09/26/06 AMEND: 1976.8  
07/19/06 AMEND: 12358, 12359  
07/17/06 AMEND: 2240(e)  
06/20/06 AMEND: 1472  
06/01/06 AMEND: 8070(d), 8071(a)(9), 8072, 8073(c), 8074(b), 8076(c)(1)  
05/18/06 ADOPT: 12358  
05/05/06 AMEND: 150

**Title 5**

09/15/06 REPEAL: 18074.1(b), (c), (d), 18074.3, 18074.4, 18074.5, 18074.6  
08/30/06 ADOPT: 15566, 15567, 15568 REPEAL: 15569



08/15/06	AMEND: 1030.7, 1030.8	05/19/06	ADOPT: 1810.100, 1810.110, 1810.200, 1810.201, 1810.202, 1810.203, 1810.203.5, 1810.204, 1810.205, 1810.205.1, 1810.205.2, 1810.206, 1810.207, 1810.208, 1810.209, 1810.210, 1810.211, 1810.212, 1810.213, 1810.214, 1810.214.1, 1810.215, 1810.216
07/31/06	ADOPT: 1043.2, 1043.4, 1043.6, 1043.8, 1043.10, 1047, 1048 AMEND: 1040, 1041, 1043, 1044 REPEAL: 1042, 1045, 1046	<b>Title 10</b>	
07/27/06	ADOPT: 40500.1, 40511, 40512, 41020 AMEND 40100	09/20/06	AMEND: 2318.6, 2353.1
07/25/06	ADOPT: 1207.1, 1207.2 AMEND: 1204.5	09/14/06	AMEND: 3528
07/21/06	ADOPT: 15566, 15567, 15568, 15569	08/29/06	AMEND: 2699.6600
07/14/06	ADOPT: 51016.5, 55183	08/28/06	ADOPT: 803, 810, 810.1, 810.2, 810.3, 810.4, 810.5, 810.6, 810.7 AMEND: 800, 801, 802, 804, 806, 807
06/12/06	ADOPT: 19833.5, 19833.6 AMEND: 19815, 19816, 19816.1, 19819, 19824, 19828.1, 19831	08/08/06	ADOPT: 3583 AMEND: 3500, 3525, 3527, 3528, 3541, 3542, 3543, 3544, 3563, 3568, 3603, 3622, 3668, 3681, 3682, 3761 REPEAL: 3541
06/09/06	ADOPT: 19827 AMEND: 19812, 19813, 19814, 19814.1, 19815, 19816, 19817, 19817.1, 19826, 19826.1, 19836, 19851, 19853	08/02/06	ADOPT: 2790.7
05/25/06	AMEND: 1074	08/01/06	ADOPT: 5370, 5371, 5372, 5373, 5374, 5375, 5376, 5377
05/16/06	ADOPT: 51025.5	07/28/06	AMEND: 2698.52(c), 2698.53(b), 2698.56(c)
05/15/06	ADOPT: 11987, 11987.1, 11987.2, 11987.3, 11987.4, 11987.5, 11987.6, 11987.7	07/26/06	ADOPT: 5280, 5281, 5282, 5283, 5284, 5285, 5286
05/12/06	AMEND: 19819, 19851	07/24/06	ADOPT: 2498.6
04/28/06	AMEND: 51026, 53206, 54024, 54100, 54616, 54700, 54706, 55005, 55160, 55300, 55316, 55316.5, 55320, 55321, 55322, 55340, 55350, 55401, 55403, 55404, 55512, 55522, 55530, 55605, 55675, 55753.5, 55753.7, 56000, 56050, 56062, 56200, 56201, 56202, 56204	07/18/06	AMEND: 2498.5, 2498.6
<b>Title 8</b>		07/14/06	AMEND: 2632.5, 2632.8, 2632.11
09/25/06	AMEND: 4920	07/12/06	AMEND: 2697.6
09/21/06	ADOPT: 10001, 10002, 10003	07/12/06	AMEND: 2498.4.9
09/19/06	ADOPT: 1532.2, 5206, 8359 AMEND: 5155	07/12/06	ADOPT: 2190.20, 2190.22, 2190.24
07/31/06	AMEND: 5154.1	07/10/06	ADOPT: 2509.21
07/28/06	AMEND: Subchapter 4, Appendix B, Plate B-1-a	06/30/06	ADOPT: 2194.9, 2194.10, 2194.11, 2194.12, 2194.13, 2194.14, 2194.15, 2194.16, 2194.17
07/27/06	ADOPT: 3395	06/19/06	AMEND: 2318.6, 2353.1, 2354
07/19/06	ADOPT: 10004, 10005 AMEND: 10133.53, 10133.55	06/05/06	AMEND: 3528
07/18/06	AMEND: 3270	06/01/06	ADOPT: 2695.1(g), 2695.14 AMEND: 2695.1, 2695.2, 2695.7, 2695.8, 2695.9, 2695.10, 2695.12
06/30/06	AMEND: 9793, 9795	05/25/06	ADOPT: 2188.23, 2188.24, 2188.83 AMEND: 2186.1, 2188.2, 2188.6, 2188.8
06/26/06	ADOPT: 6858 AMEND: 6505, 6533, 6551, 6552, 6755, 6845, 6657 REPEAL: 6846	05/18/06	AMEND: 2498.6
06/06/06	AMEND: 5155	04/28/06	ADOPT: 2670.1, 2670.2, 2670.3, 2670.4, 2670.5, 2670.7, 2670.8, 2670.9, 2670.10, 2670.11, 2670.12, 2670.13, 2670.14, 2670.15, 2670.17, 2670.18, 2670.19, 2670.20, 2670.21, 2670.22, 2670.23, 2670.24
05/25/06	AMEND: 4650	<b>Title 11</b>	
<b>Title 9</b>		08/16/06	ADOPT: 1084
09/25/06	ADOPT: 3400		
06/07/06	ADOPT: 10056, 10057		
05/24/06	ADOPT: 3400		

07/27/06 AMEND: 1001, 1005, 1008, 1011, 1014, 1015, 1018, 1052, 1053, 1055, 1056, 1081 and Procedures D-1, D-2, D-10 E-1, F-1, and F-6  
 07/12/06 AMEND: 999.2  
 06/28/06 ADOPT: 4400(l), 4400(mm), 4401.1, 4406 AMEND: 4440.3 REPEAL: 4400(l), 4406  
 06/28/06 ADOPT: 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4030, 4031, 4032, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4045, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 4061, 4062, 4063, 4064, 4065, 4066  
 05/23/06 AMEND: 1002(c)  
 05/22/06 AMEND: 968.44, 968.46  
 05/22/06 REPEAL: 2033  
 05/12/06 AMEND: 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910

**Title 13**

09/14/06 AMEND: 25.06, 25.07, 25.08, 25.10, 25.14, 25.15, 25.16, 25.17, 25.18, 25.19, 25.20, 25.21, 25.22  
 09/11/06 ADOPT: 2467.8, 2467.9 AMEND: 2467, 2467.1, 2467.2, 2467.3, 2467.4, 2467.5, 2467.6, 2467.7, Incorporated Documents REPEAL: 2467.8, Incorporated Test Method 512  
 09/07/06 AMEND: 1956.1, 1956.8, 2023.1, 2023.4  
 08/24/06 AMEND: 28.22  
 07/28/06 AMEND: 154.00  
 06/30/06 ADOPT: 85.00, 85.02, 85.04, 85.06, 85.08  
 06/29/06 AMEND: 345.16  
 06/16/06 AMEND: 2023.4  
 06/15/06 AMEND: 1239  
 05/22/06 ADOPT: 86500, 86501  
 05/22/06 AMEND: 425.01  
 05/18/06 ADOPT: 550.20 AMEND: 551.11, 551.12  
 05/02/06 ADOPT: 345.07 AMEND: 345.06

**Title 14**

09/20/06 AMEND: 895.1, 898, 914.8, [934.8, 954.8], 916, [936, 956], 916.2 [936.2, 956.2], 916.9, [936.9, 956.9], 916.11, [936.11, 956.11], 916.12, [936.12, 956.12], 923.3, [943.3, 963.3], 923.9, [943.9, 963.9]  
 09/19/06 AMEND: 502  
 09/15/06 AMEND: 851.8, 851.23, 851.51.1, 851.85, 852.3, 851.4, 851.10, 851.10.1

08/31/06 AMEND: 27.80  
 08/11/06 AMEND: 1261  
 08/11/06 AMEND: 7.50  
 08/04/06 ADOPT: 701, 702 AMEND: 1.74, 27.15, 27.67, 478.1, 551, 601, 708  
 07/31/06 ADOPT: 4970.49, 4970.50, 4970.51, 4970.52, 4970.53, 4970.54, 4970.55, 4970.56, 4970.57, 4970.58, 4970.59, 4970.60, 4970.61, 4970.62, 4970.63, 4970.64, 4970.65, 4970.66, 4970.67, 4970.68, 4970.69, 4970.70, 4970.71, 4970.72  
 07/31/06 ADOPT: 4970, 4970.02, 4970.03, 4970.04, 4970.05, 4970.06, 4970.07, 4970.08, 4970.09, 4970.10, 4970.11, 4970.12, 4970.13, 4970.14, 4970.15, 4970.16, 4970.17, 4970.18, 4970.19, 4970.20, 4970.21 AMEND: 4970.00, 4970.01 REPEAL: 4970.02, 4970.03, 4970.04  
 07/28/06 ADOPT: 7.50(b)(178)  
 07/28/06 AMEND: 15411  
 07/19/06 ADOPT: 18459.1.2, Forms CIWMB 203, 204 AMEND: 18449, 18450, 18451, 18453.2, 18456, 18456.2.1, 18459, 18459.1, 18459.2.1, 18459.3, 18460.1, 18460.1.1, 18460.2, 18460.2.1, 18461, 18462, 18463, 18464, 18466, Penalty Tables 1, 11  
 07/12/06 AMEND: 507.1  
 07/11/06 AMEND: 15251  
 07/11/06 ADOPT: 1723(g) AMEND: 1722(j), 1722, 1722.1, 1722.1.1, 1723(a), 1723.1(c), 1723.1(d), 1723.5, 1723.7(d)(2)(f), 1723.8  
 06/30/06 AMEND: 11900  
 06/30/06 AMEND: 360, 361, 362, 363, 364  
 06/29/06 AMEND: 851.23  
 06/23/06 AMEND: 1220  
 06/16/06 AMEND: 895, 895.1, 1038, 1038(f)  
 06/08/06 AMEND: 746  
 06/05/06 AMEND: 791.7, Form FG OSPR-1972  
 05/26/06 AMEND: 670.2  
 05/23/06 AMEND: 401  
 05/17/06 AMEND: 182  
 05/11/06 AMEND: 27.80  
 05/08/06 ADOPT: 1299

**Title 14, 22**

07/27/06 ADOPT: 69200, 69201, 69202, 69203, 69204, 69205, 69206, 69207, 69208, 69209, 69210, 69211, 69212, 69213, 69214 REPEAL: 19030, 19031, 19032, 19033, 19034, 19035, 19036, 19037,

	19038, 19039, 19040, 19041, 19042, 19043, 19044	07/28/06	AMEND: 30180, 30235, 30237
<b>Title 15</b>		07/24/06	ADOPT: 100140, 100141, 100142, 100143, 100144, 100145, 100146, 100147, 100148, 100149, 100150
08/11/06	ADOPT: 4034.0, 4034.1, 4034.2, 4034.3, 4034.4 REPEAL: 4036.0, 4040.0	07/20/06	AMEND: 30100, 30253
07/27/06	AMEND: 3000, 3062, 3075, 3210	07/05/06	AMEND: 95000, 95001, 95002, 95003, 95004, 95005, 95006, 95007
07/12/06	AMEND: 7001 REPEAL: 2005, 3416, 4020	05/15/06	AMEND: 60201
06/27/06	AMEND: 3341.5	<b>Title 18</b>	
06/09/06	ADOPT: 3040.2 AMEND: 3000, 3040, 3041, 3043, 3043.3, 3043.4, 3043.5, 3043.6, 3044, 3045, 3045.1, 3045.2, 3045.3, 3075	09/15/06	AMEND: 1620
06/06/06	AMEND: 3173.1	09/08/06	ADOPT: 1125, 1423 AMEND: 1123, 1420
05/25/06	AMEND: 3040.1, 3341.5, 3375, 3375.3, 3378	07/27/06	AMEND: 1591
05/22/06	ADOPT: 3043.7 AMEND: 3043.1, 3327, 3328	07/11/06	REPEAL: 139
05/16/06	AMEND: 3999.1.10, 3999.1.8	06/23/06	ADOPT: 140, 140.1, 140.2, 143
05/16/06	AMEND: 3999.2	<b>Title 19</b>	
05/01/06	AMEND: 2510, 2511, 2512, 2513	07/25/06	AMEND: 3.29, 557.23, 561.2, 567, 568, 574.1, 575.1, 575.3, 575.4, 594.4, 596.6, 606.1 REPEAL: 597.5, 597.6, 597.7, 597.8, 597.10, 597.11, 603.3, 605.1, 606.3, 608.7, 608.8, 614, 614.1, 614.3, 614.5, 614.6, 614.7, 614.8
<b>Title 16</b>		07/05/06	AMEND: 3062.1, 3063.1
09/26/06	AMEND: 1579	<b>Title 20</b>	
09/12/06	AMEND: 384	09/13/06	AMEND: 1, 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 2, 2.1, 2.2, 2.3, 2.3.1, 2.4, 2.5, 2.6, 2.7, 3, 3.1, 3.2, 3.3, 3.4, 4, 5, 6, 6.1, 6.2, 6.3, 6.4, 6.5, 6.6, 7, 7.1, 8, 8.1, 8.2, 9, 10, 10.1, 11, 12, 13, 13.1, 13.2, 14, 14.1, 14.2, 14.3, 14.4, 14.5, 14.6, 14.7, 15, 15.1, 16, 17, 17.1, 17.2, 17.3, 18, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 42.1, 42.2, 43.1, 43.2, 43.3, 43.4, 43.5, 43.6, 43.7, 43.8, 44, 44.1, 44.2, 44.3, 44.4, 44.5, 44.6, 45, 46, 47, 48, 49, 50, 51, 51.1, 51.2, 51.3, 51.4, 51.5, 51.6, 51.7, 51.8, 51.9, 51.10, 52, 53, 54, 55, 56, 57, 58, 59, 59.1, 59.2, 60, 61, 61.1, 62, 63, 63.1, 63.2, 63.3, 63.4, 63.5, 63.6, 63.7, 63.8, 63.9, 63.10, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 74.1, 74.2, 74.3, 74.4, 74.5, 74.6, 74.7, 75, 76, 76.71, 76.72, 76.73, 76.74, 76.75, 76.76, 77, 77.1, 77.2, 77.3, 77.4, 77.5, 77.6, 77.7, 78, 79, 80, 81, 82, 83, 84, 85, 86, 86.1, 86.2, 86.3, 86.4, 86.5, 86.6, 86.7, 87, 88
09/07/06	ADOPT: 1399.391	06/22/06	AMEND: 1601, 1602, 1604, 1605.3, 1607
08/31/06	ADOPT: 1727.1	<b>Title 21</b>	
08/25/06	AMEND: 1922, 1936, 1948	07/07/06	AMEND: 7000
08/17/06	ADOPT: 601.5, 642.5 AMEND: 600.1, 601.3, 602, 602.1, 603, 605, 606, 607.4, 608.3, 627	<b>Title 22</b>	
08/10/06	REPEAL: 829	08/31/06	AMEND: 1256.5-1
08/04/06	AMEND: 1886.40		
08/01/06	ADOPT: 1399.180, 1399.181, 1399.182, 1399.183, 1399.184, 1399.185, 1399.186, 1399.187		
07/31/06	AMEND: 3394.4, 3394.6		
07/12/06	ADOPT: 1034.1 AMEND: 1021, 1028, 1034		
07/03/06	AMEND: 1399.152, 1399.156.4		
06/26/06	ADOPT: 1304.5		
06/14/06	AMEND: 2537, 2537.1		
06/05/06	ADOPT: 2608		
06/05/06	AMEND: 3303		
06/05/06	AMEND: 2630, 2630.1		
06/01/06	ADOPT: 137		
05/31/06	ADOPT: 869.9 AMEND: 868, 869		
05/30/06	AMEND: 3340.1, 3340.16, 3340.16.5, 3340.17, 3340.41 REPEAL: 3340.16.6		
05/22/06	AMEND: 152		
05/12/06	AMEND: 1388, 1388.6, 1389, 1392		
05/01/06	AMEND: 8.1, 12, 12.5, 21, 69		
<b>Title 17</b>			
09/11/06	ADOPT: 100000		

08/28/06	ADOPT: 64449.2, 64449.4 AMEND: 64449	05/10/06	ADOPT: 50960.2, 50960.4, 50960.6, 50960.9, 50960.12, 50960.15, 50960.21, 50960.23, 50960.26, 50960.29, 50960.32, 50960.34, 50960.36, 50961, 50965 AMEND: 50962, 50963, 50964 REPEAL: 50960, 50961
08/24/06	ADOPT: 66262.27, 66263.24, Appendix 11 to Chapter 14 AMEND: 66260.10, 66262.20, 66262.21, 66262.23, 66262.32, 66262.33, 66262.34, 66262.42, 66262.53, 66262.54, 66262.55, 66262.56, 66262.60, Appendix to chapter 12, 66263.18, 66263.20, 66263.21, 66263.32	05/08/06	AMEND: 96010
08/09/06	REPEAL: 4402.1, 4403, 4408, 4431	<b>Title 22, MPP</b>	
08/03/06	AMEND: 12805	08/11/06	ADOPT: 102416.2, 102416.3 AMEND: 102419, 102423
08/02/06	ADOPT: 64401.71, 64401.72, 64401.73, 64463, 64463.1, 64463.4, 64465, 64466 AMEND: 64426.1, 664432.1, 64451, 64453, 64481, 64482, 64483, 64666 REPEAL: 64463.2, 64464.1, 64464.3, 64464.6, 64465, 64466, 64467, 64467.5, 64468.1, 64468.2, 64468.3, 64468.4	07/11/06	AMEND: 80019, 80019.1, 80054, 87219, 87219.1, 87454, 87819, 87819.1, 87854, 88019, 101170, 101170.1, 101195, 102370, 102370.1, 102395
07/24/06	ADOPT: 97900, 97901, 97902, 97910, 97911, 97912, 97913, 97914, 97915, 97916, 97917, 97920, 97921, 97922, 97923, 97924, 97925, 97926, 97927	<b>Title 23</b>	
07/20/06	ADOPT: 68400.11, 68400.12, 68400.13, 68400.14, 68400.15, 68400.16, Appendix I AMEND: 67450.7	09/13/06	ADOPT: 3916
06/12/06	AMEND: 51215.6, 51321, 51323, 51535.1, 51542, 51546 REPEAL: 51124.1, 51215.4, 51335.1, 51511.3	09/01/06	ADOPT: 3979.1
06/05/06	ADOPT: 66260.201 AMEND: 66260.10, 66261.9, 66273.1, 66273.3, 66273.6, 66273.8, 66273.9, 66273.12, 66273.13, 66273.14, 66273.20, 66273.32, 66273.33, 66273.34, 66273.40, 66273.51, 66273.53, 66273.56, 66273.82, 66273.83, 66273.90, Appendix X to Chapter 11	08/31/06	AMEND: 3920
05/19/06	AMEND: 12805	08/31/06	ADOPT: 3939.22
05/18/06	ADOPT: 64400.38, 64400.40, 64400.45, 64400.47, 64400.67, 64401.65, 64401.82, 64401.92, 64468.5, 64530, 64531, 64533, 64533.5, 64534, 64534.2, 64534.4, 64534.6, 64534.8, 64535, 64535.2, 64535.4, 64536, 64536.2, 64536.4, 64536.6, 64537, 64537.2, 64537.4	08/11/06	ADOPT: 3907
05/17/06	ADOPT: 4429 AMEND: 4409, 4400(hh) REPEAL: 4400(ii)	08/04/06	ADOPT: 3949.2
05/12/06	ADOPT: 64442, 64443, 64447.3 AMEND: 64415 REPEAL: 64441, 64443	08/04/06	ADOPT: 3929
		07/25/06	ADOPT: 2814.20, 2814.21, 2814.22, 2814.23, 2814.24, 2814.25, 2814.26, 2814.27, 2814.28, 2814.29, 2814.30, 2814.31, 2814.32, 2814.33, 2814.34, 2814.35, 2814.36, 2814.37
		07/21/06	ADOPT: 3949
		06/30/06	ADOPT: 3949
		<b>Title 25</b>	
		05/15/06	AMEND: 6932
		<b>Title 27</b>	
		06/13/06	AMEND: 15241, 15242
		<b>Title 28</b>	
		09/11/06	ADOPT: 1002.4
		06/26/06	ADOPT: 1300.67.24 REPEAL: 1300.67.24
		<b>Title MPP</b>	
		09/07/06	AMEND: 11-501, 42-302, 42-701, 42-711, 42-712, 42-713, 42-715, 42-716, 42-718, 42-719, 42-720, 42-721, 42-722, 42-802, 42-1009, 42-1010, 44-111, 63-407 REPEAL: 42-710
		09/01/06	ADOPT: 30-702 AMEND: 30-760.1
		09/01/06	AMEND: 30-757.1, 30-757.14, 30-780(b), 30-780.1(b)(1)
		07/20/06	AMEND: 63-410
		06/26/06	AMEND: 30-757, 30-761